

## REMARKS/ARGUMENTS

Claims 4, 10-12, 14-18, 20-30 and 32-57 are pending. As noted above, claims 10, 15, 18, 27, 34, 41, 53 and 54 have been amended. Support for these amendments may be found throughout the Specification.<sup>1</sup> Applicants respectfully submit that no new matter is added.

Applicants also wish to thank the Examiner for the indication that claims 4, 21, 33 and 39 are allowed and that claims 55-57 contain allowable subject matter.

Applicants respectfully request reconsideration of this application based on the following remarks.

### **Final Office Action: Entry of Amendments**

Entry of this Amendment is proper under 37 C.F.R. §1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 10-12, 14-18, 20, 22-30, 32, 34-38 and 40-49 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,049,716 to Jung in view of U.S. Patent No. 6,532,363 to Pussinen. Claims 50-52 are rejected under 35 USC § 103(a) as being unpatentable over Jung in view of Pussinen, and further in view of US Patent No. 6,208,858 to Antonio et al. (hereinafter “Antonio”). To the extent the rejection remains applicable to the claims as amended, Applicants respectfully traverse this rejection as follows.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art,

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<sup>1</sup> See, e.g., Specification, paragraph [0023].

to modify the reference or to combine reference teachings.<sup>2</sup>

Jung and Pussinen, alone or in combination, fail to disclose or suggest the features recited by the claims. Specifically, referring to independent claims 10, 15, 18, 27, 34, 41, 53 and 54, Jung and Pussinen fail to disclose or suggest apparatus or methods for modifying or setting a transmission parameter of a wireless link depending on soft handoff detection, and more specifically, modifying or setting a frame size defining a time over which a frame of data is transmitted to a first value/size or a second value/size depending on if a mobile station communicating via the wireless link is detected as entering or leaving a soft handoff.

For example, the Office Action, on pages 2 and 3, asserts that Jung discloses a processing subsystem configured to set the frame size to a first value or a second value in response to detecting that the mobile station is entering or leaving soft handoff, as recited in claim 10. In particular, the Office Action, on page 2, asserts that Jung discloses “setting a frame size to a first value/size (based on the number of base stations [that were] added) or a second value/size (based on the number of base stations [that were] dropped),” citing to fig. 6, col. 5, lines 35-67 and col. 7, lines 26-38. Applicants, however, respectfully disagree.

Jung, in col. 5, lines 35-67 and col. 7, lines 26-38, discloses that after receiving a handoff direction message the mobile station adds and removes cells from an active set based upon received pilot strengths. Adding or removing a cell from an active set stored on a mobile station, however, does not disclose or suggest modifying or setting a frame size defining a time over which a frame of data is transmitted to a first value/size or a second value/size, as recited in amended claim 10. (Emphasis added).

Thus, Applicants submit that the disclosure of Jung does not disclose or suggest modifying or setting a frame size defining a time over which a frame of data is transmitted to a first value/size or a second value/size depending on if a mobile station communicating via the wireless link is detected as entering or leaving a soft handoff, as recited in amended claims 10, 15, 18, 27, 34, 41, 53 and 54.

Pussinen and Antonio fail to disclose at least the above recited features, and therefore, fail to cure the above noted deficiencies of Jung.

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<sup>2</sup> MPEP, section 2142.

For at least the above reasons, Applicants submit that independent claims 10, 15, 18, 27, 34, 41, 53 and 54 are allowable over the cited references.

Claims 11, 12, 14, 16, 17, 20, 22-26, 28-30, 32, 35-38, 40, 42-52, which depend from a respective one of the independent claims, are likewise allowable for at least the same reasons, as well as for the additional features recited therein.

Therefore, based on the foregoing, Applicants respectfully request that the Examiner withdraw the rejection of claims 10-12, 14-18, 20, 22-30, 32, 34-38, 40-49 and 50-52 under 35 USC § 103(a) as being unpatentable over Jung in view of Pussinen and/or Antonio.

Application No. 10/674,040  
Amendment dated July 8, 2010  
Reply to Office Action of May 10, 2010

### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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